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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,091	05/14/2001	Susan S. Lineberry	17207-00012	8608

7590

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EXAMINER

SHAFFER, ERIC T

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/855,091

Applicant(s)

LINEBERRY ET AL.

Examiner

Eric T. Shaffer

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: _____

Art Unit: 3623

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1 – 79 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3 – 26, 28, 29, 31 – 50, 52 – 55, 57 – 63, 65 – 71 and 73 – 79** are rejected under 35 U.S.C. 102(b) as being anticipated by the book “Using Microsoft Project 4” by Tim Pyron, as published in 1994.

Claims 1, 9, 23, 25, 32, 38, 45, 58, 66, 74, 75, 78 and 79 are a method and a computer for generating an acquisition integration project plan, said method comprising the steps of:

displaying a plurality of pre-defined integration events based upon at least one user selected integration area, each pre-defined integration event being displayed in association with a phase in an acquisition process; Displaying a list of pre-defined events is anticipated by Pyron, which discloses “Fig. 4.17 An outlined task list” (page 119).

receiving at least one user selection of a pre-defined integration event for each user selected integration area; Receiving a pre-defined event is anticipated by Pyron, which discloses “entering and editing tasks in the Gantt Chart” (page 97).

displaying the user selected, pre-defined integration events for each user selected

Art Unit: 3623

integration area; Displaying a list of pre-defined events is anticipated by Pyron, which discloses “the task and resources sheets both display a table of field values for the list of tasks or resources” (page 548) and “Fig. 18.45” (page 549).

displaying and storing at least one of a name of a person responsible, a due date, a completion percentage, and a commentary for each user selected, pre-defined integration event; Displaying the name of a person responsible for a task is anticipated by Pyron, which discloses “Fig. 4.20 The PRODUCT outline” (page 121) which has the name of individuals and the phases of plan they will work on. Displaying a due date is anticipated by Pyron, which discloses “Finnish no later than” and “Must finish on” (page 133). Displaying a percentage completion is anticipated by Pyron, which discloses “Percent (%) Work Completed” (page 750).

4. **Claims 3, 4, 10 and 11** are a method and computer further comprising the steps of:

receiving user defined integration events for the integration project; A user entering tasks is anticipated by Pyron, which discloses “entering tasks in the Gantt Chart” (page 98).

displaying user defined integration events for the integration project; Displaying tasks is anticipated by Pyron, which discloses “selecting the display options for outlining” (page 122) and “Fig. 4.22” (page 123).

storing the user defined integration events within the acquisition integration project plan. Storing plan data is anticipated by Pyron, which discloses “using the Microsoft MDB Format to Store Project Data” (page 382).

5. **Claims 5 and 12** are a method and computer further comprising the step of forwarding the user defined integration areas and user defined integration events to a system administrator for inclusion into the pre-defined integration areas and predefined integration events.

Art Unit: 3623

Forwarding an integration plan to others is anticipated by Pyron, which discloses "To review and forward a project you have received as a recipient on a routing slip, follow these steps:" (page 426).

6. **Claims 6, 13 and 76** are a method and computer wherein the acquisition integration project plan is stored in at least one of a spreadsheet format and a web page format. Data in spreadsheet form is anticipated by Pyron, which discloses "some views are spreadsheets that show data in columns and rows" (page 59).

7. **Claims 7, 14, 34, 41, 46 and 69** are a method, computer, apparatus and program further comprising the step of displaying an explanation for each integration event. Displaying additional hidden detail with respect to the events or tasks is anticipated by Pyron, which discloses "if the outline is collapsed when you print a task or crosstab report, the subordinate task that are hidden will not be displayed in the report. You must expand the outline when you print the report if you want all tasks to be displayed" (page 591).

8. **Claims 8, 15, 21, 22, 31, 36 and 50** are a method, computer and program further comprising the step of displaying a deliverable checklist for each integration event. Displaying a checklist of tasks is anticipated by Pyron, which discloses "Fig. 10.10 The list of working tasks is stored here in alphabetical order" (page 253).

9. **Claims 16 and 24** are a database and system for acquisition integration comprising: data corresponding to at least one integration area and integration events; Incorporating a database with the project area and events is anticipated by Pyron, which discloses "the new save to database command gives Microsoft Project 4 the capability to store all of its project data in a Microsoft Access database" (page 382).

Art Unit: 3623

10. **Claims 17, 18, 19, 20, 26, 48, 49 and 77** are a method and system wherein said database further comprises data corresponding to at least one of an overview of acquisition integration, an explanation of each integration event, a sample presentation for at least one integration event, and feedback received from users. At least one event, namely incorporating a project overview is anticipated by Pyron, which discloses “Fig. 20.17 Resource report with task details” (page 582), a “Fig. 20.19 Crosstab report showing work by resources with task assignments” (page 584), and a “Fig. 20.22 Project Summary report” (page 587).

11. **Claims 28 and 29** are systems wherein said server is configured to cause a screen listing a plurality of integration areas to be displayed at a client computer. Displaying a list of integration tasks and persons within the task areas to perform the tasks is anticipated by Pyron, which discloses “Fig. 4.22 Displaying outline numbers” (page 123).

12. **Claims 33, 65 and 73** are a method and computer wherein the integration areas comprise at least one of business leader, integration manager, due diligence leader, sales/marketing, sourcing, customer services, collections, manufacturing, engineering, environmental health and safety, services, risk management, six sigma, information technology, communication, human resources strategy, human resources labor relations, human resources employee benefits, human resources compensation, controllership, legal, intellectual property, treasury, Euro program, financial planning, closing reporting, tax integration, and insurance. At least one event, namely financial planning is anticipated by Pyron, which discloses a cost variance analysis report in “Fig. 20.7 Customized task report” which uses fields in “Table 17.2 Cost Overbudget, Work Overbudget” (page 482).

13. **Claims 35, 37, 43, 63 and 71** are a method and apparatus further comprising the step of attaching to an integration event, using the electronic interface, at least one sample presentation. Using an electronic interface to attach and forward an event is anticipated by Pyron, which discloses "To forward the message and file on to the next name on the routing slip, or back to the originator when the routing is complete, the recipient must open the project and use the File Send command" (page 426).
14. **Claims 39, 59 and 67** are an apparatus, method and computer further comprising means for displaying a plurality of sub-events for an integration event. Sub-events are anticipated by Pyron, which discloses "you can create subprojects by moving tasks from the master project into new project files, and then by defining the new files as subprojects by linking them to preresentative tasks" (page 364).
15. **Claims 40, 60 and 68** are an apparatus, method and computer further comprising means for displaying a name of a person responsible for each integration area. Displaying the name of a person responsible for a task is anticipated by Pyron, which discloses "Fig. 4.20 The PRODUCT outline" (page 121) which has the name of individuals and the phases of plan they will work on.
16. **Claim 42, 47, 62 and 70** are an apparatus, program and computer further comprising means for displaying sample presentations from other integration projects. Displaying sample presentations is anticipated by Pyron, which discloses "a task sheet view of the SAMPLE project" (page 99).
17. **Claim 44** is a computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies, customer satisfaction and operational excellence. Managing the amount of work done by a group of people in order to

Art Unit: 3623

increase synergies and operational excellence is anticipated by Pyron, which discloses software code that will “find overallocated resources and switch to the resource” (page 706) and “leveling resource work loads” (page 304) through using a set of tables and fields such as “Baseline Cost, variance, scheduled cost, resource name, standard rate, overtime, maximum units, peak usage, cost and work” (pages 578 - 579).

said computer program comprising a code segment that:

manages and organizes integration areas and events for acquisition integration;

Displaying tasks is anticipated by Pyron, which discloses “selecting the display options for outlining” (page 122) and “Fig. 4.22” (page 123) and storing the user defined integration events.

Storing plan data is anticipated by Pyron, which discloses “using the Microsoft MDB Format to Store Project Data” (page 382).

generates an acquisition integration plan including a set of integration events and deliverable checklists based on user selected integration areas, to guide the user through integration process. Generating a plan that consists of a checklist of events is anticipated by Pyron, which discloses “as soon as you enter the task name, Microsoft Project supplies a default duration for the new task in the Duration field, and displays a task bar under the time scale in the Gantt Chart” (pages 98 - 99).

18. **Claims 52, 54 and 61** are computer program according to Claim 44 wherein the data is received from the user via a graphical user interface. anticipated by Pyron, which discloses “entering tasks in the Gantt Chart” (page 98), “entering task durations” (page 102), “entering

Art Unit: 3623

milestones” (page 106), “entering recurring tasks” (page 107) and “entering additional data in the task information form” (column 113).

19. **Claim 53** is a computer program according to Claim 44 further comprising a code segment that generates acquisition integration plan based on pre-stored assumptions in the database. Generating an integration plan after data is entered is anticipated by Pyron, which discloses “as soon as you enter the task name, Microsoft Project supplies a default duration for the new task in the Duration field, and displays a task bar under the time scale in the Gantt Chart” (pages 98 - 99).

20. **Claim 55** is a computer program according to Claim 44 further comprising a code segment that:

accesses the centralized database; Accessing a database is anticipated by Pyron, which discloses “opening a project from a database” (page 384).

searches the database regarding the specific inquiry; Performing a database query is anticipated by Pyron, which discloses “using the project database for queries” (page 387).

retrieves information from the database; anticipated by Pyron, which discloses “importing data from other applications” (page 390).

causes the retrieved information to be displayed on the client system. Displaying data retrieved as the result of a database query is anticipated by Pyron, which discloses “Fig. 14.10 the query result from figure 14.9” (page 389).

21. **Claim 57** is a computer program according to Claim 44 further comprising a code segment that monitors the security of the system by restricting access to unauthorized individuals. Securing a file by using a password to restrict access is anticipated by Pyron, which

Art Unit: 3623

discloses “providing security for saved files” (page 35) and password-protecting a file” (page 36).

22. **Claim 58** is a method for operating a computer, said method comprising the steps of:

prompting a user to select an integration area from an acquisition integration main user interface; Prompting a user to enter task information is anticipated by Pyron, which discloses “type the task name and duration in the appropriate boxes on the recurring task information dialog box” (page 107).

displaying a set of selectable integration events for the selected integration area; Displaying a set of events is anticipated by Pyron, which discloses “Fig. 4.7 Milestones, as shown in the Gantt Chart” (page 106).

generating an acquisition integration project plan incorporating selected integration events. Generating a project plan is anticipated by Pyron, which discloses “as soon as you enter the task name, Microsoft Project supplies a default duration for the new task in the Duration field, and displays a task bar under the time scale in the Gantt Chart” (pages 98 - 99).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claims 2, 27, 30, 64 and 72** are rejected under 35 U.S.C. 103(a) as being unpatentable

Art Unit: 3623

over the book "Using Microsoft Project 4" by Tim Pyron, published in 1994 as applied to the claims above, in view of the book "Mergers & Acquisitions" by Ernst & Young published in 1994.

Pyron teaches a project planning method and system that prompts and allows a user to enter a list of tasks and events, project data, start and finish dates, a percentage of completion, and the name of a person responsible for a task into a Gantt Chart. The system allows the sample project to be displayed to, distributed among and commented on by a group of users. The system also stores and retrieves project information from a database. The invention also incorporates work groups for routing and circulating projects for review. The invention does not specifically teach the lists of tasks and events that are specific to due diligence in an acquisition process.

The book Mergers & Acquisitions by Ernst & Young provide a checklist of events and tasks to be performed at each phase of the acquisition process. A checklist of in the pre-due diligence phase is taught by Mergers & Acquisitions which recites "Defining Criteria" (page 10) and "Identifying Acquisition Candidates" (page 11). The due diligence phase is taught by "Mergers & Acquisitions", which recites "Information Requirements of Market Served, Products, Customers, Suppliers, Operations, Market Position, Competitive Behavior, Market Boundaries and Financial Measures" (pages 33-37) as well as several lists of accounting considerations (pages 60-64). The post sign/pre-close phase is taught by Mergers & Acquisitions which recites the steps for the merger (pages 147-148), for a tender offer (pages 150-151), and for an exchange offer (pages 152-154). A post close phase is taught by Mergers & Acquisitions which recites "Post-merger integration" (page 215) and a checklist of things that must be done

Art Unit: 3623

(page 218). A checklist of operational items is taught by Mergers & Acquisitions, which recites: “Figure 15-5 Key issues to consider in developing an integration plan” (page 222).

It would have been obvious to one of ordinary skill in the art of computer programming to type the checklists of tasks and events taught in the book Mergers & Acquisitions into the Microsoft Project Management software because said software makes the administration of such checklists more efficient, more accurate and more flexible. Referring to the checklist of tasks and events in an electronic document instead of in a book would offer the advantages of permitting the user to check off tasks as completed, define a time frame and a chronological order for the events to be performed, and would allow a specific person to be attached to each task or event. The software is programmed in such a way that all tasks must be performed in order for the event is closed out and the software would also enforce task sequencing in order to ensure that the tasks are performed in the proper sequence. For all these reasons, placing these tasks and events onto the Project software is obvious.

25. **Claims 51 and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable over by the book “Using Microsoft Project 4” by Tim Pyron, published in 1994 as applied to the claims above, in view of Kumashiro (US 6,240,395).

Pyron teaches a project planning method and system that prompts and allows a user to enter project data, start and finish dates, a percentage of completion, and the name of a person responsible for a task into a Gantt Chart. The system allows the sample project to be displayed to, distributed among and commented on by a group of users. The system also stores and retrieves project information from a database. The invention incorporates work groups for

Art Unit: 3623

routing and circulating projects for review, but does not specifically teach the incorporation of a LAN, WAN or any type of computer network.

Kumashiro teaches an invention that incorporates entering, displaying and updating project data using a Gantt Chart. The invention assigns a project member's name to each task, incorporates task start and finish dates, incorporates a database, and monitors what part of the work has been completed. The system is also LAN network based.

26. **Claims 51 and 56** are computer program according to Claim 44 wherein the network is a wide area network operable using a protocol including at least one of TCP/IP and IPX. Use of a LAN network that incorporates the TCP/IP protocols is anticipated by Pyron, which discloses the "process-reporting processing devices are comprised of personal computers, and are connected through a LAN (local area network) or the like" (column 37, lines 41 – 43).

It would have been obvious to one of ordinary skill in the art of computer programming to place the project management software that allows projects to be routed and shared on a work group to also be placed on a computer network because a network is designed primarily to allow communication between users. Placing the project management software on a network would greatly facilitate project forwarding and messaging and would enable a much larger group of users to participate in the forwarding of project plans.

Art Unit: 3623

Conclusion

27. No claims were allowed and all claims were rejected.

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gryphon et al. (6,233,537) – Workflow language
Knudson et al. (5,765,140) – Project Management System with database and a server
Oliver (5,907,490) – Project management and assessment system
Berg et al. (5,999,911) – Managing workflow with a graphical tool
Kaufer et al. (6,519,763) – Time and project management system
Glebov et al. (6,343,265) – Mapping system for modeling and system design
Tuli (6,256,651) – Time management and workflow system
Hammer, Katherine, In Depth - Post-Merger Integration, January 2001 – Outline of IT issues in mergers

29. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Shaffer whose telephone number is (703) 305-5283. The Examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington D.C. 20231

Or faxed to:

(703) 746-7238 [After Final communications, labeled "Box AF"]
(703) 746-7239 [Official communications]
(703) 706-9124 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA, 4th floor receptionist.

ETS
March 31, 2003


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